

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 1001(ss) be amended to read as follows:

- 1 Page 16, delete lines 20 through 42.
- 2 Delete pages 17 through 32.
- 3 Page 33, delete lines 1 through 34.
- 4 Page 35, delete lines 17 through 20, begin a new paragraph and
- 5 insert:
- 6 "SECTION 41. IC 4-33-2-16.5 IS ADDED TO THE INDIANA
- 7 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
- 8 [EFFECTIVE JULY 1, 2002]: **Sec. 16.5. "Reporting period" means**
- 9 **a twenty-four (24) hour increment used by the department under**
- 10 **this article, commencing at 6 a.m. on one (1) day and concluding at**
- 11 **5:59 a.m. the following day."**
- 12 Page 36, delete lines 26 through 28.
- 13 Page 38, line 32, reset in roman "IC 4-33-12-6".
- 14 Page 38, line 32, delete "IC 4-33-13-5(d)".
- 15 Page 38, line 38, reset in roman "IC 4-33-12-6".
- 16 Page 38, line 39, delete "IC 4-33-13-5(d)".
- 17 Page 41, delete lines 22 through 27.
- 18 Page 41, delete lines 32 through 36.
- 19 Page 52, delete lines 12 through 42.
- 20 Delete page 53.
- 21 Page 54, delete lines 1 through 15.
- 22 Page 58, line 4, delete "or under IC 4-31-7.5;" and insert "; **or**".

- 1 Page 58, line 7, after ";," delete "or".
- 2 Page 58, delete lines 8 through 11.
- 3 Page 58, delete lines 19 through 25.
- 4 Page 58, delete lines 31 through 42.
- 5 Delete pages 59 through 64.
- 6 Page 65, delete lines 1 through 25, begin a new paragraph and
- 7 insert:

8 "SECTION 79. IC 4-33-12-1 IS AMENDED TO READ AS
 9 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 1. **(a)** A tax is imposed
 10 on admissions to ~~gambling excursions~~ **a riverboat** authorized under
 11 this article at a rate of ~~three five~~ **dollars (\$3) (\$5)** for each ~~person~~
 12 ~~admitted to the gambling excursion.~~ **patron who is on board at the**
 13 **time a passenger count is recorded.**

14 **(b) Passenger counts must be recorded one (1) hour after the**
 15 **start of each reporting period and once every two (2) hours**
 16 **thereafter under procedures approved by the commission.**

17 **(c) If the riverboat's schedule as approved by the commission**
 18 **does not provide for the riverboat to be open to the public at the**
 19 **start of the reporting period, passenger counts must be recorded**
 20 **one (1) hour after the riverboat begins admitting patrons during a**
 21 **reporting period and once every two (2) hours thereafter under**
 22 **procedures approved by the commission.**

23 **(d) This admission tax is imposed upon the licensed owner**
 24 **conducting the gambling ~~excursion.~~ operation.**

25 SECTION 80. IC 4-33-12-6, AS AMENDED BY P.L.178-2002,
 26 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 27 JULY 1, 2002]: Sec. 6. (a) The department shall place in the state
 28 general fund the tax revenue collected under this chapter.

29 (b) Except as provided by subsections (c) and (d) and IC 6-3.1-20-7,
 30 the treasurer of state shall quarterly pay the following amounts:

31 (1) One dollar (\$1) of the admissions tax collected by the licensed
 32 owner for each person embarking on a riverboat during the
 33 quarter shall be paid to:

34 (A) the city in which the riverboat is docked, if the city:
 35 (i) is located in a county having a population of more than
 36 one hundred ten thousand (110,000) but less than one
 37 hundred fifteen thousand (115,000); or
 38 (ii) is contiguous to the Ohio River and is the largest city in
 39 the county; and

40 (B) the county in which the riverboat is docked, if the
 41 riverboat is not docked in a city described in clause (A).

42 (2) One dollar (\$1) of the admissions tax collected by the licensed
 43 owner for each person embarking on a riverboat during the
 44 quarter shall be paid to the county in which the riverboat is
 45 docked. In the case of a county described in subdivision (1)(B),
 46 this one dollar (\$1) is in addition to the one dollar (\$1) received

under subdivision (1)(B).

(3) Ten cents (\$0.10) of the admissions tax collected by the licensed owner for each person embarking on a riverboat during the quarter shall be paid to the county convention and visitors bureau or promotion fund for the county in which the riverboat is docked.

(4) Fifteen cents (\$0.15) of the admissions tax collected by the licensed owner for each person embarking on a riverboat during a quarter shall be paid to the state fair commission, for use in any activity that the commission is authorized to carry out under IC 15-1.5-3.

(5) Ten cents (\$0.10) of the admissions tax collected by the licensed owner for each person embarking on a riverboat during the quarter shall be paid to the division of mental health and addiction. The division shall allocate at least twenty-five percent (25%) of the funds derived from the admissions tax to the prevention and treatment of compulsive gambling.

(6) Sixty-five cents (\$0.65) of the admissions tax collected by the licensed owner for each person embarking on a riverboat during the quarter shall be paid to the Indiana horse racing commission to be distributed as follows, in amounts determined by the Indiana horse racing commission, for the promotion and operation of horse racing in Indiana:

(A) To one (1) or more breed development funds established by the Indiana horse racing commission under IC 4-31-11-10.

(B) To a racetrack that was approved by the Indiana horse racing commission under IC 4-31. The commission may make a grant under this clause only for purses, promotions, and routine operations of the racetrack. No grants shall be made for long term capital investment or construction and no grants shall be made before the racetrack becomes operational and is offering a racing schedule.

(7) Two dollars (\$2) of the admissions tax collected by the licensed owner for each person embarking on a riverboat during the quarter shall be retained in the state general fund.

(c) With respect to tax revenue collected from a riverboat that operates on Patoka Lake, the treasurer of state shall quarterly pay the following amounts:

~~(1) The counties described in IC 4-33-1-1(3) shall receive one dollar (\$1) of the admissions tax collected for each person embarking on the riverboat during the quarter. This amount shall be divided equally among the counties described in IC 4-33-1-1(3).~~

~~(2) The Patoka Lake development account established under IC 4-33-15 shall receive one dollar (\$1) of the admissions tax collected for each person embarking on the riverboat during the~~

quarter.

(3) The resource conservation and development program that:

(A) is established under ~~16 U.S.C. 3451~~ et seq.; and

(B) serves the Patoka Lake area;

shall receive forty cents (\$0.40) of the admissions tax collected for each person embarking on the riverboat during the quarter.

(4) The state general fund shall receive fifty cents (\$0.50) of the admissions tax collected for each person embarking on the riverboat during the quarter.

(5) The division of mental health and addiction shall receive ten cents (\$0.10) of the admissions tax collected for each person embarking on the riverboat during the quarter. The division shall allocate at least twenty-five percent (25%) of the funds derived from the admissions tax to the prevention and treatment of compulsive gambling.

(1) Twenty-four percent (24%) to the state general fund.

(2) Thirty-five percent (35%) to the historic district described in IC 4-33-1-1(3).

(3) Twenty-seven percent (27%) to be divided evenly among the counties that are contiguous to Patoka Lake.

(4) Five percent (5%) to a town described in IC 4-33-1-1(3)(C)(i).

(5) Five percent (5%) to a town described in IC 4-33-1-1(3)(C)(ii).

(6) Two percent (2%) to the tourism commission of a town described in IC 4-33-1-1(3)(C)(i).

(7) Two percent (2%) to the tourism commission of a town described in IC 4-33-1-1(3)(C)(ii).

(d) With respect to tax revenue collected from a riverboat that operates from a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000), the treasurer of state shall quarterly pay the following amounts:

(1) One dollar (\$1) of the admissions tax collected by the licensed owner for each person embarking on a riverboat during the quarter shall be paid to the city in which the riverboat is docked.

(2) One dollar (\$1) of the admissions tax collected by the licensed owner for each person embarking on a riverboat during the quarter shall be paid to the county in which the riverboat is docked.

(3) Nine cents (\$0.09) of the admissions tax collected by the licensed owner for each person embarking on a riverboat during the quarter shall be paid to the county convention and visitors bureau or promotion fund for the county in which the riverboat is docked.

(4) One cents (\$0.01) of the admissions tax collected by the licensed owner for each person embarking on a riverboat during

the quarter shall be paid to the northwest Indiana law enforcement training center.

(5) Fifteen cents (\$0.15) of the admissions tax collected by the licensed owner for each person embarking on a riverboat during a quarter shall be paid to the state fair commission for use in any activity that the commission is authorized to carry out under IC 15-1.5-3.

(6) Ten cents (\$0.10) of the admissions tax collected by the licensed owner for each person embarking on a riverboat during the quarter shall be paid to the division of mental health and addiction. The division shall allocate at least twenty-five percent (25%) of the funds derived from the admissions tax to the prevention and treatment of compulsive gambling.

(7) Sixty-five cents (\$0.65) of the admissions tax collected by the licensed owner for each person embarking on a riverboat during the quarter shall be paid to the Indiana horse racing commission to be distributed as follows, in amounts determined by the Indiana horse racing commission, for the promotion and operation of horse racing in Indiana:

(A) To one (1) or more breed development funds established by the Indiana horse racing commission under IC 4-31-11-10.

(B) To a racetrack that was approved by the Indiana horse racing commission under IC 4-31. The commission may make a grant under this clause only for purses, promotions, and routine operations of the racetrack. No grants shall be made for long term capital investment or construction, and no grants shall be made before the racetrack becomes operational and is offering a racing schedule.

(8) Two dollars (\$2) of the admissions tax collected by the licensed owner for each person embarking on a riverboat during the quarter shall be retained in the state general fund.

(e) Money paid to a unit of local government under subsection (b)(1) through (b)(2), ~~(c)(1)~~, **(c)(3) through (c)(5)**, or (d)(1) through (d)(2):

(1) must be paid to the fiscal officer of the unit and may be deposited in the unit's general fund or riverboat fund established under IC 36-1-8-9, or both;

(2) may not be used to reduce the unit's maximum levy under IC 6-1.1-18.5, but may be used at the discretion of the unit to reduce the property tax levy of the unit for a particular year;

(3) may be used for any legal or corporate purpose of the unit, including the pledge of money to bonds, leases, or other obligations under IC 5-1-14-4; and

(4) is considered miscellaneous revenue.

(f) Money paid by the treasurer of state under subsection (b)(3) or (d)(3) shall be:

(1) deposited in:

(A) the county convention and visitor promotion fund; or

(B) the county's general fund if the county does not have a convention and visitor promotion fund; and

(2) used only for the tourism promotion, advertising, and economic development activities of the county and community.

(g) Money received by the division of mental health and addiction under subsections (b)(5) ~~(c)(5)~~, and (d)(6):

(1) is annually appropriated to the division of mental health and addiction;

(2) shall be distributed to the division of mental health and addiction at times during each state fiscal year determined by the budget agency; and

(3) shall be used by the division of mental health and addiction for programs and facilities for the prevention and treatment of addictions to drugs, alcohol, and compulsive gambling, including the creation and maintenance of a toll free telephone line to provide the public with information about these addictions. The division shall allocate at least twenty-five percent (25%) of the money received to the prevention and treatment of compulsive gambling.

(h) Money received by a tourism commission under subsection (c)(6) and (c)(7) must be used only for the tourism promotion, advertising, and economic development activities of the respective towns.

SECTION 81. IC 4-33-13-5, AS AMENDED BY P.L.186-2002, SECTION 11, AND AS AMENDED BY P.L.178-2002, SECTION 3, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 5. **(a) This subsection does not apply to a riverboat located in a historic district described in IC 4-33-1-1(3).** After funds are appropriated under section 4 of this chapter, each month the treasurer of state shall distribute the tax revenue deposited in the state gaming fund under this chapter to the following:

(1) Twenty-five percent (25%) of the tax revenue remitted by each licensed owner shall be paid **either of the following:**

(A) ~~to~~ The city that is designated as the home dock of the riverboat from which the tax revenue was collected, in the case of:

(i) a city described in IC 4-33-12-6(b)(1)(A); or

(ii) a city located in a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000);

~~(B) in equal shares to the counties described in IC 4-33-1-1(3); in the case of a riverboat whose home dock is on Patoka Lake; or~~

~~(C) to (B)~~ The county that is designated as the home dock of the riverboat from which the tax revenue was collected in the case of a riverboat whose home dock is not in a city described in clause (A). ~~or a county described in clause (B); and~~

(2) Seventy-five percent (75%) of the tax revenue remitted by each licensed owner shall be paid to the build Indiana fund. *lottery and gaming surplus account.*

(b) This subsection applies only to a riverboat located in a historic district described in IC 4-33-1-1(3). After funds are appropriated under section 4 of this chapter, each month the treasurer of state shall distribute the tax revenue deposited in the state gaming fund under this chapter as follows:

(1) Twenty-four percent (24%) to the state general fund.

(2) Thirty-five percent (35%) to the historic district described in IC 4-33-1-1(3).

(3) Twenty-seven percent (27%) to be divided evenly among the counties that are contiguous to Patoka Lake.

(4) Five percent (5%) to a town described in IC 4-33-1-1(3)(C)(i).

(5) Five percent (5%) to a town described in IC 4-33-1-1(3)(C)(ii).

(6) Two percent (2%) to the tourism commission of a town described in IC 4-33-1-1(3)(C)(i).

(7) Two percent (2%) to the tourism commission of a town described in IC 4-33-1-1(3)(C)(ii).

The treasurer of state shall distribute the amounts that are required to be paid under this subsection on a monthly basis.

SECTION 82. IC 4-33-13-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 6. (a) Money paid to a unit of local government under this chapter:

(1) must be paid to the fiscal officer of the unit and may be deposited in the unit's general fund or riverboat fund established under IC 36-1-8-9, or both;

(2) may not be used to reduce the unit's maximum or actual levy under IC 6-1.1-18.5; and

(3) may be used for any legal or corporate purpose of the unit, including the pledge of money to bonds, leases, or other obligations under IC 5-1-14-4.

(b) This chapter does not prohibit the city or county designated as the home dock of the riverboat from entering into agreements with other units of local government in Indiana or in other states to share the city's or county's part of the tax revenue received under this chapter.

(c) Money paid by the treasurer of state under section 5(b)(6) and 5(b)(7) of this chapter must be used only for the tourism promotion, advertising, and economic development activities of the respective towns."

Page 65, line 29, reset in roman "industry".

- 1 Page 65, line 29, delete "and".
- 2 Page 65, line 30, delete "pari-mutuel pull tab industries".
- 3 Page 65, line 32, reset in roman "cities".
- 4 Page 65, line 32, delete "and pari-mutuel pull tab".
- 5 Page 65, line 33, delete "communities".
- 6 Page 65, line 33, delete "and" and insert ".".
- 7 Page 65, line 34, delete "IC 4-31-7.5".
- 8 Page 65, line 34, delete "or".
- 9 Page 65, line 35, delete "permit holder".
- 10 Page 65, line 39, delete "or pull tab facility".
- 11 Page 65, delete line 42.
- 12 Delete page 66.
- 13 Page 67, delete line 1.
- 14 Page 67, line 7, delete "or the permit holder's pari-mutuel pull".
- 15 Page 67, line 8, delete "tab license,".
- 16 Page 67, line 11, delete "or a".
- 17 Page 67, line 12, delete "pari-mutuel pull tab license".
- 18 Page 67, delete lines 15 through 42.
- 19 Page 68, delete lines 1 through 3.
- 20 Page 68, line 33, delete "the following:".
- 21 Page 68, line 34, delete "(1) Each" and insert "**each**".
- 22 Page 68, run in lines 33 through 34.
- 23 Page 68, delete lines 36 through 39.
- 24 Page 76, delete lines 23 through 42.
- 25 Delete pages 77 through 83.
- 26 Page 84, delete lines 1 through 32.
- 27 Page 181, delete lines 5 through 25.
- 28 Page 214, line 33, delete "the".
- 29 Page 214, line 34, delete "pari-mutuel pull tab wagering tax (IC
- 30 4-31-7.6-3);".
- 31 Page 220, delete lines 3 through 21.
- 32 Page 240, delete lines 29 through 42.
- 33 Page 241, delete lines 1 through 15.
- 34 Page 258, delete lines 12 through 42.
- 35 Page 259, delete lines 1 through 27.
- 36 Page 281, delete lines 12 through 42.
- 37 Page 282, delete lines 1 through 24.
- 38 Page 340, line 19, delete "IC 4-33-12-1;" and insert "IC
- 39 4-33-12-6.2;".
- 40 Page 340, delete line 20.
- 41 Page 357, delete lines 8 through 14, begin a new paragraph and
- 42 insert:
- 43 "SECTION 392. [EFFECTIVE JULY 1, 2002] **IC 4-33-12-1, as**
- 44 **amended by this act, applies to admissions occurring after June 30,**
- 45 **2002.**".
- 46 Page 357, delete lines 22 through 28.

- 1 Renumber all SECTIONS consecutively.
 (Reference is to HB 1001(ss) as printed June 3, 2002.)

Representative Dobis